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ABSTRACT

The history of the New York State United Teachers (NYSUT) and its relationship with the National Education Association (NEA) and the American Federation of Teachers (AFT) sheds some light on the most recent failed attempt of the NEA and the AFT to merge. The merger, in 1972, of NEA's New York State Teachers Association with the AFT's New York State Federation into the NYSUT represented the largest merger agreement in teacher union history and anticipated the prospect of a merged national teachers union. The factors influencing the New York merger and the ensuing experiences with the disaffiliation of some NEA locals provide insights into the problems and obstacles a merged national organization may have to overcome. In particular, the AFT is committed to a highly disciplined political structure based on a strong, centralized caucus system, relying on a leadership cadre to formulate policies which they disseminate downward to the membership. This structure, which also became dominant in the NYSUT, stands in contrast to the more open, decentralized organization of the NEA, which allows for secret ballot to determine association policy, proportional representation, and term limits. A merger of the NEA and AFT would not guarantee the adoption of the latter's caucus and governance system since the NEA is two and one half times larger than the AFT; however, based on the New York experience, the discipline and focus of the AFT could significantly influence the structure of the new organization. Given the divergent histories and commitments of the two organizations, the nature of democratic governance is the key issue that must be resolved if an NEA-AFT merger is to succeed. References are provided in footnotes. (ND)

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The Prospects of NEA - AFT Merger based on the New York Experience

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Symposium on: "One Big Teachers' Union: Historical Perspectives on the Merger Between the AFT and NEA."

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In breaking off merger talks earlier this year, National Education Association President, Keith Geiger emphasized that the way the two organizations–the NEA and the American Federation of Teachers–"define our democracies is very different."[1] Geiger's concise explanation for the failure of the most recent NEA-AFT merger talks reveals the very real political problems that are at the heart of the merger discussions. When and how these political problems and differences are overcome will tell us much about the kind of "democracy" that will emerge from any newly merged national teacher organization.

That "democracy" seems to be the core reason for the latest failure in NEA-AFT merger talks is not surprising given the past failed attempts at national merger and, in particular, given the central role that New York State and New York City have played throughout the history of merger discussions. The perspective of this paper is that one must look carefully at New York State (and New York City) to see why democratic governance is the main obstacle to be overcome if an NEA-AFT merger is to be achieved.

In historical terms, New York was the key area in the early and mid-1970's when the first real efforts toward merger were under consideration. It was the merger of NEA's New York State Teachers Association with the AFT's New York State federation (the United Teachers of New York) into the New York State United Teachers(NYSUT) which represented the largest merger agreement in teacher union history and presaged. for its time, the prospect of a merged national teachers union[2] . In examining the New York merger experience, some commentators have focused on the factors that led to merger; others have emphasized the largely negative impact that

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1 *Education Week*, January 11, 1995, p. 3.

2 Lorraine M. Mc Donnell, "The Control of Political Change within an Interest Group: The Case of the National Education Association," (Ph.D dissertation, Stanford University,1975), pp. 233-45; and David Selden, *The Teacher Rebellion* (Washington, D.C.:Howard University Press, 1985), pp. 187-88.

NYSUT had on a national merger, particularly within the NEA. Several writers have pointed to the peculiar historical circumstances within New York State and other parts of the nation in the early 1970,s which provided the necessary preconditions for a successful merger. Most prominent among the various explanations advanced for why New York State merger materialized in the 1970's are: 1) Teachers felt under attack by a particularly hostile state government as exemplified in the extension of the probationary period from three to five years before a teacher could achieve tenure and the placing of new restrictions on the collective bargaining rights of teachers.[3] 2)The fact that New York State, especially New York City, represented the political and philosophical backbone of the American Federation of Teachers. The AFT experienced much of its growth in the 1960's as the result of the successes of the United Federation of Teachers with the UFT, in turn, emerging as the controlling influence over the AFT. UFT leaders, Charles Cogen and David Selden, ascended to the AFT presidency during the 1960's. The AFT leadership, especially Selden, favored the idea of merger and saw local and state mergers, such as the one in New York State, as important initial steps toward a national merger.[4] 3) Many urban teachers within the NEA were favorably inclined toward both reform within their own organization and the possibility of merger with the AFT which they viewed as a means of aligning themselves with teachers from the major urban school systems in the nation.[5] 4) The NEA state affiliate, the New York State Teachers Association, not only contained members sympathetic with the urban teacher faction of the national NEA, but also viewed labor unions in a less hostile way than did others in the NEA. Thus,

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3 McDonnell, p. 234 and Marshall O. Donley Jr., *Power to the Teacher* (Bloomington: Indiana University Press, 1976), pp. 166-67.

4 Donley, pp. 165 and Selden, pp. 115-17.

5 McDonnell, p. 156 and 165.

the AFT (and the United Teachers of New York) insistence that a merged organization include affiliation with the AFL-CIO did not present a major obstacle in achieving a merger agreement.[6]

The eventual disaffiliation of NYSUT from the NEA in 1976, however, reflected the larger breakdown in national merger talks that occurred during that period. It is important to note the crucial historical connection of the New York State merger with that of the national movement for merger. But this paper will not dwell on the details of how this relationship impacted on national merger talks at that time. Instead, a more useful perspective is obtained by focusing on the ongoing experiences of the merged organization within NYSUT to see whether they indicate what kind of teacher organization may emerge in a future merger of the NEA and AFT.

The three major points of division between the NEA and AFT were formalized at the 1976 NEA convention. The NEA committed itself to a "single national organization of educators" provided that there was : 1) not affiliation with the AFL-CIO; 2) a guarantee of minority group participation in the governance of a merged organization; and, 3) the use of a secret ballot in the election of officers and in the changing of the basic governing rules of the organization.[7] (The AFT, on its part, rejected the conditions enumerated at the NEA convention and emphasized publicly its opposition to proportional representation for minority groups. The NEA, according to several commentators, was concerned most visibly with the issue of AFL-CIO affiliation.)[8] With the resumption of serious merger talks in the past few years, however, the NEA

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6 Selden, p. 191.

7 "New Business Items 1976-A and 1976-B" as reprinted in "Item 13: Recommendation of Special Committee on Relationships with Other Organizations, Memorandum, TO: NEA Board of Directors; FROM: Keith Geiger," May, 1992.

8 Selden, p. 224 and Kenneth P. Lubetsky, "Will the NEA and AFT Ever Merge?" *The Educational Forum*, March, 1977,p. 313

has indicated a willingness to modify its 1976 policy. The statement by Keith Geiger, cited earlier, that different concepts of democracy are at the heart of the present stalemate between the NEA and AFT may seem curious in light of the other strong preconditions contained in the 1976 NEA statement. On closer examination, however, and with particular attention given to New York's experience with a merged organization, it is understandable why the issue of governance (and the core democratic principles contained therein) underlies NEA's most recent break off of merger discussions.

NYSUT, the merged organization established in New York State in 1972, disaffiliated from the national NEA in 1976. Soon after, some former NEA locals that had merged initially into NYSUT disaffiliated from the state organization, most notably the Buffalo Teachers Association. Nevertheless, most former NEA locals remained within NYSUT, even though the state organization was now part of the AFT rather than the NEA. The NYSUT experience, therefore, provides insights into the problems and obstacles that a merged national organization may have to overcome. If indeed the major obstacle to be overcome in national merger talks is the kind of democracy that is created, then the NYSUT experience in governance since 1972 is useful in illuminating the political structures and practices which need to be dealt with in any NEA-AFT merged organization.

In examining NYSUT's constitution, for example, it is seen that the state organization consists of five officers: a president, an executive vice-president, first and second vice-presidents, and a secretary-treasurer, all of whom serve on a full-time basis and oversee the day-to-day affairs of NYSUT. In addition, a Board of Directors (consisting of the officers, 42 district directors and 19 at-large directors) is required to meet at least four times a year. The Board's duties include approving an annual budget, interpreting

the constitution, and implementing policies enacted by the Representative Assembly(RA). The RA itself consists of several thousand delegates elected by each local and meets annually to vote on policies and programs for the organization. Each two years, the RA chooses all officer and Board of Director positions. In structure, NYSUT appears to be a reasonably democratic and responsive organization.[9] It is only when one makes a more detailed examination of certain constitutional provisions and when one analyzes the political processes used to arrive at decisions that one gets a fuller understanding of possible shortcomings in the openness and responsiveness of NYSUT.

A constitution's provisions can reveal both the possibilities and limitations of democratic participation. NYSUT's constitution, for ir stance, declares that "the highest level of governance in NYSUT shall be the referendum of the entire membership," and allows a referendum to be held if requested by a majority of the Representative Assembly, a majority of the Board of Directors or petition of ten per cent of the membership. At the same time, specific matters are deemed "not subject to referendum," including dues paid to NYSUT or the AFT, amendments or interpretation of the constitution and bylaws, and programs requiring a budgetary expenditure of funds.[10] These restrictions reveal that NYSUT limits direct membership decision-making in two crucial areas: the raising and spending of money, and the making of rules for the operation of the organization. With respect to dues increases, the Representative Assembly has the final authority for approval. The expenditure of budgetary funds and the interpretation or amendment of the constitution are mandated powers of the Board of Directors. The fact that only the Board of Directors can interpret the constitution and only the Representative Assembly can amend the constitution

9 *Constitution of the New York State United Teachers*, Articles VII through X.
10 *Ibid.*, Article 11.

ensures that NYSUT's governing bodies can retain or expand their legal powers without the need to gain direct membership approval. The restrictions on the initiating of referenda which could amend the constitution indicate that there is virtually no way in which the governance structure can be changed by direct membership participation.

The constitutional prerogatives retained by the governing bodies of NYSUT are only one aspect of the limitation on democratic participation that exists. Beyond the legal strictures, a political process has evolved which further limits meaningful participation in the governance process. In particular, NYSUT requires an open ballot rather than a secret ballot on all roll call votes. The argument for the open ballot, and one made recently in the AFT newspaper with respect to the failure of merger talks, is that votes at conventions be a matter of "public record" so that convention delegates are held accountable to their constituents in much the same way as representatives to Congress are accountable to their district's voters when they cast recorded roll call votes on various issues.[11] The AFT and NYSUT position against the secret ballot is a reasonable one. What may be overlooked, however, is that delegates to NYSUT (and AFT) conventions are not necessarily representatives who are either independent beings or responsible to the constituencies which they serve. One state NEA organization(NJEA) has emphasized that the secret ballot as practiced within the AFT represents a way of disciplining and "tracking the allegiance" of delegates to ensure that they " sit quietly and 'follow the company line.'"[12] The criticism of the secret ballot can only be understood in the context of how conventions operate within the AFT and some of its affiliates, especially NYSUT.

The AFT has described its political process as one in which its executive council "is

11 *American Teacher* , February, 1995, p. 3. See also Lubetsky, p. 315. Marjorie Murphy, *Blackboard Unions* (Ithaca: Cornell University Press,1990), p.257 notes that the AFT first instituted the secret ballot following the near defeat of Selden at the 1971 AFT convention.

12 *NJEA Reporter*, June, 1993, p. 4.

elected primarily through a political process of slates and caucuses and functions as a leadership team that essentially reflects the power center of the union." At the same time, the AFT contrasts its national leadership, made up of local and state leaders elected at its national convention on an at-large basis, with that of the NEA governance structure. The AFT position is that "few of the NEA board of directors are current local or state leaders. With overlapping terms of officers, candidates for positions in the NEA governance structure do not run as a team." This description of the national union and its rationale for governance also applies to NYSUT and how it functions. NYSUT's "power center" is the Board of Directors, which while not elected solely on an at-large basis, is chosen "primarily through a political process of slates and caucuses." [13] The caucus system is, in fact, at the heart of the political system which governs both NYSUT and the AFT as well as other AFT locals.

A caucus is in most respects comparable to a political party as it functions within a representative system of government such as the United States. Individuals join together with common aims or goals and seek to gain control of the existing government by running for various offices. Within representative systems, there are alternations among parties as to which one maintains control over various periods of time. Throughout NYSUT's history and since the 1960's that of the AFT's the caucus system has resulted in the almost total dominance of one caucus. Within the AFT that caucus has been the Progressive Caucus; within NYSUT it has been Unity Caucus. While the names are different, NYSUT's Unity Caucus is the largest constituent group within the AFT's Progressive Caucus.

Examining how the caucus system operates allows one to understand the extent to which a peculiar type of democracy functions within NYSUT and why it is viewed with

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[13] *American Teacher*, p. 3.

suspicion by many in the NEA. NYSUT's leadership (its officers and its Board of Directors) is elected by the Representative Assembly–a body chosen by a membership vote within each local. There have been limited challenges to the leadership's control since 1972, but there have been very few successes and those have been in elections for Board positions chosen on a district rather than at-large basis. Thus, the state university district has often elected Board of Director members who are independent of the dominant caucus. In the overwhelming number of instances, however, the Unity caucus has prevailed, particularly in all at-large contests. It can be argued that the continuous election of officers and board members from the same caucus over a 23 year period may reflect either enormous popularity with the incumbent party or the lack of appeal of other caucuses or both .This is a reasonable contention, but it is one that ignores the criticisms often voiced by those within and without of NEA that the NYSUT and the AFT governing caucuses maintain power as result of enforcing strict party discipline. This is seen, as noted above, in the use of an open rather than secret ballot in the election of officers and the determination of policies. The reasons advanced in support of a secret ballot are based on the need for accountability i.e. that elected representatives be held accountable to the people who elected them. These are reasonable arguments. But the strength of Unity caucus within NYSUT is in large measure a result of an open ballot system that allows the enforcement of party loyalty by enabling caucus leaders to keep track of those members who support or deviate from the established party position. Those who are seen as deviants can and are disciplined: they may be denied caucus support in running for convention delegate in the future; they may be thrown out or "purged" from the caucus altogether; or, they may be challenged by others, or removed from staff

positions that they hold within their local union.[14]

The caucus system is at the heart of the governance system that is practiced by the AFT. NYSUT's use of a nearly identical system can be traced directly to the overriding influence that the UFT has had on both NYSUT and AFT. It is not coincidental , for instance, that the last three AFT presidents came from the UFT. In large measure, the UFT's enormous influence has been a result of the use of the caucus system to maintain control within its own local and to extend this control to its state and national affiliates–NYSUT and the AFT. The UFT developed the caucus system soon after gaining collective bargaining rights in 1962. Charles Cogen and Albert Shanker, the first leaders of the UFT, formed the Unity Caucus (the same name used by NYSUT's dominant caucus) and joined with others to run for office as a slate, much as a political party does. Various groups emerged during those early days to oppose Unity, but with limited success winning only occasional seats on the executive board, while running very strong races for divisional vice-presidents, especially in the high school and junior high school divisions. Although Unity caucus had a clear working majority as a result of its decisive wins in all union wide elections during the early and mid-1960,s, it initiated specific steps to consolidate its power and to limit further the possibility of effective oppositional dissent within both the UFT and Unity Caucus itself.[15]

Throughout the 1960's, elections were held each year for union wide offices with at-large positions for officers (including president) and executive board positions held in even numbered years and divisional positions for vice-presidents and executive board members held in odd numbered years. With this annual system in use, Unity

14 Selden, p. 159 and personal interviews by the author in 1979 with Sanford Gelernter, Martin Lobenthal and Dory Davidson, each of whom was "purged" from the UFT's Unity Caucus in the 1970's.

15 Selden, pp. 157-61 and Murray Hoffinger, "A Study of the Institutionalization of Opposition as One Factor of Oligarchical Inhibition in a Private Voluntary Association: The United Federation of Teachers," (Ph.D. dissertation, New York University, 1969), pp. 247-66.

candidates easily won all positions in even numbered years, but lost a few divisional executive board positions and only narrowly won vice-presidential positions in high schools and junior high schools on several occasions in odd numbered years. The UFT leadership, which was a reflection of Unity caucus interests, eventually proposed and ratified a constitutional amendment that made all union wide and division wide elections for two year terms running in the odd numbered years. This structural change meant that all elections occurred with the president, divisional vice-presidents and divisional executive board positions running at the same. This further increased the likelihood, especially with a balloting system which encourages slate voting for caucuses, that the dominant caucus (Unity) would prevail for all officer and executive board positions.[16] This use of structural or constitutional changes to maximize the dominance of Unity Caucus is a persistent theme and one that was repeated in 1994 with the passage of an amendment to the UFT constitution which eliminated divisional voting altogether for vice-presidents, but retained comparable positions to be elected on an at-large or union wide basis.[17] Unity caucus has always won a numerical majority in union wide elections. Its majority in recent years has been about 65% on a union wide basis (including retirees, who account for 25% or more of the total vote), but this majority has been much smaller in the high school division (about 52%) and the junior high division (about 58%), with these two divisions actually electing non-Unity candidates to the executive board in the 1991 elections. [18] The 1991 success of the opposition caucus was perceived as a likely step toward winning two divisional vice- president positions, an opportunity undermined by the constitutional amendment passed in January, 1994.

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16 Selden, pp. 159-60 and Hoffinger, pp. 247-68,

17 "Delegate Assembly Minutes, January 12, 1994."

18 "Election Results (Unofficial" as recorded by New Action Coalition, the opposition caucus within UFT.

In addition to analyzing the election procedures and results, one must focus on the internal working of Unity caucus itself to understand the concerns expressed about the strict discipline that is associated with the political process of the AFT and its affiliates. Thus, within UFT's Unity caucus, members are pledged only to "express criticism of caucus policies within the caucus" and not to criticize the elected Unity leadership in "public or Union forums." [19] This policy of strict conformity to Unity caucus decisions and reverence for its leaders reflects a particular conception of democratic governance. In this view, decisions and policies made within a caucus or party are the controlling factors. In theory, caucus decisions are membership decisions. In practice, however, caucus decisions emerge from the leadership with caucus members expected to follow the leadership's will. Those who deviate from its decisions can be removed or "purged" from the caucus. Such removal has very real consequences for Unity members since they are deprived of future Unity endorsement for elective positions, including convention delegates, and they may be removed from any full time or part time staff position they hold.

The caucus system as practiced within the UFT emphasizes strict conformity to group decisions and reliance on the judgment of Unity leaders. In many respects the caucus model as developed within the UFT has striking structural similarities to authoritarian organizations and, in particular, to democratic centralism as practiced in the Soviet Union and the former Communist regimes of eastern Europe. As with these party systems, Unity caucus holds loyalty to the party (or caucus) as paramount. Decisions made within the party must be followed without deviation; those who do deviate are ostracized or purged from the party. Since the party controls the offices and thus the legitimacy of the recognized government, party decisions become the official policies

19 "Unity Caucus - Statement of Purpose," distributed to all perspective Unity Caucus members.

of government. Finally, party and governmental stalwarts are encouraged, to promote a "cult of the personality" so that the accepted leader is seen as the personification of both the party and of the government.

The political practices of one local within a national union are not usually indicative of how the national union operates or what policies it advocates. In the case of the UFT and the AFT, however, there is an important link and one that affects directly the merger issue. As the largest local within the AFT and the one responsible for stimulating the unionization of teachers during the 1960's and 1970's, the UFT established a structure emulated by other AFT locals. More importantly, the disciplined caucus structure has allowed it to gain a controlling influence over both the AFT and NYSUT. This is seen by the way it has controlled the AFT presidency since 1964 and the way it has become the dominating force in NYSUT. The UFT, primarily through the Unity caucus structure, has used its disciplined power to maintain the AFT presidency since 1964 with Albert Shanker becoming the dominant leader of the national union since 1974. The UFT (Unity) votes have represented a significant and unified bloc of votes at national and state conventions. With a membership of over 125,000, the UFT accounts for about 35% of NYSUT's 350,000 membership. In turn, NYSUT's membership represents about 42% of the total AFT membership of 840,000. These numbers are important in confirming the central role of both the UFT and NYSUT in the governing structure of the AFT. In extending the practice of a disciplined caucus to NYSUT, the UFT and its state affiliate have created a solid base of about 40% which represents a major factor in determining the election of AFT officers and directors, and the nature of AFT policies. The caucus model as practiced by both the UFT and NYSUT does much to protect the interests of the leadership elites of these

two organizations within the AFT.[20] In doing so, the independent views of individuals and non-caucus members are virtually ignored. The caucus system, then, represents a governance structure that relies on a leadership cadre to formulate policies and disseminate them downward to the membership. The UFT and NYSUT represent governance structures that are effective at maintaining a public appearance of unity and providing a continuity of leadership. But this is achieved by creating a type of disciplined structure that is often intolerant of dissent and punitive toward those who challenge it.

Those in the NEA who are concerned about the ironclad discipline shown at all levels of the AFT structure have justification for their concerns based on the history of New York. The UFT has developed a caucus system wherein a small group effectively makes decisions for the membership at large. The formal governmental structures mainly ratify the decisions (often made within the caucus) of the leadership. Within the UFT, its executive board is seen as a rubber stamp for leadership decisions, while its delegate assembly often raises questions, but rarely votes against leadership proposals.[21] Similarly, NYSUT's Board of Directors accepts leadership decisions with little questioning, while its Representative Assembly has limited powers at annual conventions and defers to the leadership for guidance and to the board of directors for the implementation of most policies.

A merger between the NEA and AFT should rightfully concern itself with governance issues. The experience in New York indicates that a top-down governance structure is the rule. The merged state organization of NYSUT has adopted the caucus system first utilized by the UFT. Such a system allows for strong centralized discipline by a

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20 Selden, p. 160 relates how Shanker fought against a proposal to elect AFT presidents by use of membership referendum rather than by delegates to a national convention.

21 See Bruce Markens, "The UFT after Shanker," *New Politics*, Vol. II, No. 4, 1990. pp. 73-77.

leadership elite that can limit dissent and maximize its opportunities to increase its influence. With the use of bloc voting at national conventions, moreover, both the UFT and NYSUT have become the a pivotal force within the AFT. A merger of the NEA and AFT would not guarantee the adoption of the latter's caucus and governance system since the NEA is two and one half times larger than the AFT. Nevertheless, a merged organization that is conducive to a caucus system, that supports such procedures as an open ballot rather than a secret ballot at conventions , that allows large locals such as the UFT to have a winner take all system for the selection of convention delegates may produce a new association that will become more centrally controlled. The NEA's history and structure is at odds with the notion of disciplined, centralized control as seen by its insistence on term limits, its large and freewheeling executive council (that encourages both diversity and indecision), and the absence of a caucus system which controls national convention politics and the political offices of the organization itself.

Given the divergent histories and commitments of the NEA and AFT, the nature of democratic governance is the key issue that must be resolved in the latest round of merger talks.